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Division of Consumer Affairs
State Board of Dentistry
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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 5-12-08 DA

April 30, 2008

By Certified and Regular Mail

Re: Uniform Penalty Letter In Lieu of Formal Disciplinary Complaint
Advertising Complaint No. 51632

Dr. Gary R. Dornfeld
334 Milltown Road
East Brunswick, New Jersey 088816-2271

Dear Dr. Dornfeld:

This letter is to advise you that the New Jersey State Board of Dentistry (the "Board") has had an opportunity to review information concerning advertising by Gary R. Dornfeld, D.D.S.. Specifically, the information reviewed included:

1. A copy of a business card for Gary R. Dornfeld, D.D.S. containing the phrase "Board Certified Implant Dentist".
2. A copy of an advertisement placed in the Asbury Park Press on November 9, 2005 by Drum Point Family Dentistry, Gary R. Dornfeld, D.D.S.
3. A copy of a Letter of Advice in Lieu of Formal Disciplinary Proceeding dated May 23, 2006 and signed by Dr. Gary Dornfeld on May 30, 2006.

Upon review of all available information, the Board has preliminarily found that you have violated N.J.S.A. 13:30-6.1(c) and N.J.A.C. 13:30-6.2(h) in that your advertisement indicates that you are a specialist in a dental specialty not recognized as a recognized specialty by the regulation, and in that you advertised yourself as a specialist in such a specialty to the public. In addition, it appears that you have violated N.J.S.A. 45:6-10.8 (professional misconduct) in that this is the second offense of this nature, i.e. an advertising violation. In addition, the Board has preliminarily found that you have violated N.J.A.C. 13:30-6.2(i) in that you have advertised yourself as a Diplomate and Fellow in an advertisement without disclosing your status as either a general dentist or as the holder of a specialty permit pursuant to N.J.A.C. 13:30-6.1, the full name of the dental organization, and if the advertisement concerns an area of practice not recognized as a specialty pursuant to N.J.A.C. 13:30-6.1(c), that the services provided are not a recognized dental specialty.

The Board has determined that it will first offer you an opportunity to settle this matter and thereby avoid the initiation of formal disciplinary proceedings. Should you wish to avail yourself of this opportunity, you should sign the acknowledgment below and agree to the following:

1. Pay a monetary penalty in the amount of \$250.00 for violation of N.J.S.A. 45:6-10.8 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter).
2. If you should advertise in the future, any and all advertisements must comply with all aspects of N.J.A.C. 13:30-6.2, the Board's advertising regulations.

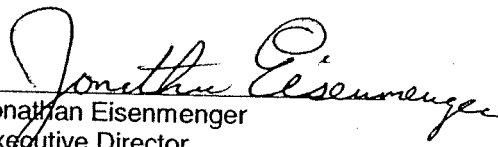
Alternatively you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will then consider your submission and render a final decision, which may include any of the terms set forth above. Any disposition by way of a settlement will be a public record, and will have the same effect as an order of the Board. Any failure to comply with the terms to which you agree will be deemed a violation.

If you do not wish to settle this matter, you may request a hearing. In that event, this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board. At that hearing you either personally or with the assistance of an attorney will have an opportunity to respond to the charges and submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies, directing you to cease and desist from engaging in unlawful acts and/or requiring you to pay costs incurred in the matter.

Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact this office or Deputy Attorney General Nancy Costello Miller, who may be reached at (973) 648-4735.

The enclosed certification should be completed and returned to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and you will be deemed in default. The allegations against you will be deemed uncontested. The Board will then proceed to schedule the matter for final review and will enter an appropriate order. Once an order has been entered, your failure to pay any penalties may result in further action to suspend or revoke your license.

Very truly yours,
NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Jonathan Eisenmenger
Executive Director

JE/scb

cc: Nancy Costello Miller, Deputy Attorney General

Dr. Gary R. Dornfeld 22DI01052200

CERTIFICATION

I, Dr. Gary R. Dornfeld, hereby acknowledge that I have read and reviewed the Board's letter dated April 30, 2008 regarding allegations of violations of the Board's enabling act and/or regulations.

Please check one:

X I acknowledge the conduct which has been charged and **agree** to:
pay a penalty in the amount of \$250.00 (to be paid upon signing of the certification).

I am also aware that the action taken against me by the Board here is a matter of public record, and that the Board's letter and this certification are public documents.

X I hereby waive any rights I may have to a hearing in this matter in order to defend myself against any charges, but ask the Board to **consider my explanation** before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does so I will be obligated to comply. I am also aware that the action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification are public documents. Failure to comply may subject me to further disciplinary action and any failure to make a required payment will result in the filing of a certificate of debt.

 I **request a formal administrative hearing** to contest the charges specified in the UPL. I understand that I will be advised of the time, date and place for that hearing at another time. I am aware that I may be represented by an attorney and that at the time of the hearing I may submit to the Board testimony and documentation relevant to the charges. I understand that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that herein offered in its letter and may order such other remedies as it may deem appropriate. I am also aware that this proceeding is a matter of public record and that the Board's letter and this certification are public document.

CHF 7243

Dated: 5/06/08

Dr. Gary R. Dornfeld

cc: Nancy Costello Miller, Deputy Attorney General